

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
Before the Director of Insurance and Financial Services

Terry Boydston
Petitioner

Case No. 13-922-L
Docket No. 13-003192-OFIR

v

**Department of Insurance and
Financial Services**
Respondent

Issued and entered
this 15th day of August 2013
by Randall S. Gregg
Special Deputy Director

FINAL DECISION

This matter concerns the denial of an insurance producer license to the Petitioner. The Petitioner challenged the denial and requested a hearing. On July 23, 2013, the Petitioner withdrew his request for hearing.

On July 29, 2013, in response to the withdrawal request, the administrative law judge (ALJ) assigned to preside at the hearing issued an Order of Dismissal. This order purports to dismiss the case itself. The dismissal of an administrative case exceeds the authority of an administrative law judge in a contested case. Section 81(1) of the Administrative Procedures Act of 1969, MCL 24.281(1), provides:

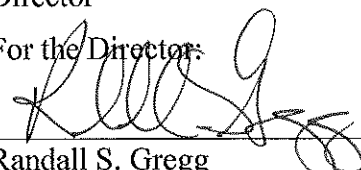
When the official or a majority of the officials of the agency who are to make a final decision have not heard a contested case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision is served on the parties, and an opportunity is given to each party adversely affected to file exceptions and present written arguments to the officials who are to make the decision....

Thus, a final decision may only be issued by the agency or official authorized to make a final decision. In this case, that official is the Special Deputy Director of the Department of Insurance and Financial Services. Consequently, the ALJ's order is hereby vacated.

It is ORDERED that this matter is dismissed.

R. Kevin Clinton
Director

For the Director:



Randall S. Gregg
Special Deputy Director

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CERTIFICATE OF SERVICE


I, Sara Beland, state that on the 16th day of August, 2013, I served copies of the FINAL DECISION upon all parties and/or attorneys of record as follows:

Michael C Van Huysse
White Law, PLLC
2400 Science Parkway, Ste 201
Okemos, MI 48864

ID MAIL:

Conrad L. Tatnall
Deborah K. Canja
Cathy Kirby
3rd Floor, Ottawa Building

by placing same in a properly addressed envelope(s) with postage fully prepaid, first class mail, and depositing said envelope(s) in the United States mail at Lansing, Michigan.


Sara Beland